

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02 (14)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of his intent to take final rulemaking action to adopt the following amendments to Chapter 42 of Title 17 of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The purpose of the amendments is to implement and clarify the procedures a dentist must follow to properly notify his or her patients of the change in the location of or the closing of a dental practice or office and as to how the patient may obtain copies of his or her records, to correct the terminology in § 4213.4(a)(5) by adding the term “clinical,” to correct the terminology in § 4217.2(b) by adding the term “surgery,” and to amend the definition of the term “NERB Examination” to include the North East Regional Board of Dental Examiners’ successor.

The following rulemaking action is proposed:

17 DCMR Chapter 42, DENTISTRY, is amended as follows:

Section 4213.4(a)(5) is amended to read as follows:

4213.4(a) (5) Clinical findings, diagnosis and treatment rendered;

Section 4213.63 is amended to read as follows:

4213.63 Whenever an entire dental practice or office moves to a new location or ceases operation, the owner or responsible dentist shall not later than 30 days after the change or closing:

- (a) Notify the patients of the change of address or closing by U.S. Mail, a note posted conspicuously on the door of the office that is closing for at least 30 consecutive days, telephone message on the office number activated for at least 30 consecutive days, or any combination of the above; and
- (b) Notify the patients as to how they may obtain copies of their complete dental files, radiographs, and models, by any of the means set forth in subparagraph (a).

Section 4217.2(b) is amended to read as follows:

- 4217.2 (b) Has successfully completed an oral and maxillofacial surgery residency program accredited by the American Dental Association Commission on Dental Accreditation;

Section 4299.1 is amended as follows:

a) The following term with the ascribed meaning is amended to read as follows:

NERB Examination—the examination in dentistry offered by the North East Regional Board of Dental Examiners, Inc.; or its successor.

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the D.C. Register, to Kenneth Campbell, General Counsel, Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4th Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained between the hours of 9:00 a.m. and 5:00 p.m. at the address listed above.

**THE DISTRICT OF COLUMBIA
LOTTERY AND CHARITABLE GAMES CONTROL BOARD
NOTICE OF PROPOSED RULEMAKING**

The Executive Director of the District of Columbia Lottery and Charitable Games Control Board, pursuant to the authority set forth in D.C. Official Code §3-1306, District of Columbia Financial Responsibility and Management Assistance Authority Order issued September 21, 1996, and Office of the Chief Financial Officer Financial Management Control Order No. 96-22 issued November 18, 1996, hereby gives notice of the adoption of amendments to Chapters 5 and 9 of Title 30 DCMR, "Lottery and Charitable Games." These rules are necessary to introduce the DC-5 Game which is scheduled to start on July 19, 2009. The Executive Director gives notice of his intent to take final rulemaking action to adopt these rules in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

AMEND CHAPTER 5. "LOTTERY TICKET"

Amend subsections 503.1 by substituting the following:

- 503.1 A ticket which is printed in error for the Lucky Numbers, DC-4 and DC-5 game(s) may be cancelled only on the date purchased and prior to the drawing break. The tickets shall be voided only by the issuing agent and the terminal that printed the ticket, and the player may request a refund or a replacement ticket. If for any reason the terminal that issued the ticket is inoperable prior to the drawing break, the player's sole recourse shall be a refund of the ticket price.

AMEND CHAPTER 9. "DESCRIPTION OF ON-LINE GAMES"

Amend Chapter 9 by adding sections 947 and 948 as follows:

947. DESCRIPTION OF THE DC-5 GAME

- 947.1 The Agency may offer a five digit daily numbers game using a fixed payout known as the DC-5 Game.
- 947.2 DC-5 Game is a daily five-digit game with a midday and evening Drawing each day. Players may wager fifty cents (\$0.50) or one dollar (\$ 1) for five numbers ranging from 0 to 9. Each bet is listed in section 947.3.

- 947.3 To play the DC-5 Game, a player shall pay either 50 cent or one dollar to choose between the following bets: Straight, Front 4, Back 4, Front 3, Back 3, Front Pair, Back Pair or 5 Way Box, 10 Way Box, 20 Way Box, 30 Way Box, 60 Way Box, 120 Way Box.
- 947.4 A winning ticket for a Straight bet will contain all five numbers in exact order drawn. A winning ticket for Box bet will match all five numbers in any order. A winning ticket for a Front 4 bet will match the first 4 numbers in exact order and a winning Front 3 bet will match the first 3 numbers in any exact drawn. Front Pair bet will contain the first two numbers selected in the exact order selected by the player or through the Quick Pick option. A ticket for a Back 4, Back 3 or Back Pair bets will contain the numbers selected by the player or through the Quick Pick option. Asterisks will precede the numbers so that a combination of numbers and asterisks, totaling five characters, will appear on the ticket. For detail on selections and combinations to win please refer to sections 948.1 and 948.2.
- 947.5 The holder of a winning DC-5 Game ticket may win in only one prize category per game board.
- 947.6 The price of a DC-5 Game ticket shall be fifty (\$0.50) cents or one (\$1) dollar per board or any other price designated by the Executive Director from a price schedule adopted by the Agency.
- 947.7 If a single ticket contains more than one (1) winning play on separate game boards, the prize amounts shall be added together and shall be paid in accordance with the prize payment limits.
- 947.8 The holder of a winning DC-5 ticket may win in only one prize category per board in connection with the winning numbers drawn, and shall be entitled only to the prize for the highest prize category won by those numbers.
- 947.9 A ticket subject to the validations requirements of this title shall be the only proof of a wager.

948 DC-5 PRIZE STRUCTURE AND PROBABILITY

- 948.1 The DC-5 game prize schedule and probability based on a one dollar (\$1.00) bet are as follows:

Bet Type	Selections	To Win Match	\$1 Bet Prize	Odds of Winning	Example
Straight	Any 5 digits	5 digits in exact order	\$50,000	1 : 100,000	1 - 2 - 3 - 4 - 5
5 Way Box	4 of one digit & 1 different digit	5 digits in any order	\$10,000	1 : 20,000	1 - 1 - 1 - 1 - 2

Bet Type	Selections	To Win Match	\$1 Bet Prize	Odds of Winning	Example
10 Way Box	3 of one digit & a pair of a different digit	5 digits in any order	\$5,000	1 : 10,000	1 - 1 - 1 - 2 - 2
20 Way Box	3 of one digit and 2 different distinct digits	5 digits in any order	\$2,500	1 : 5,000	1 - 1 - 1 - 2 - 3
30 Way Box	2 different pairs plus a distinct digit	5 digits in any order	\$1,700	1 : 3,333.3	1 - 1 - 2 - 2 - 3
60 Way Box	A pair plus 3 different distinct digits	5 digits in any order	\$850	1 : 1,666.7	1 - 1 - 2 - 3 - 4
120 Way Box	5 distinct digits	5 digits in any order	\$425	1: 833.3	1 - 2 - 3 - 4 - 5
Front 4	Any 4 digits	First 4 digits in exact order	\$5,000	1 : 10,000	1 - 2 - 3 - 4 - X
Back 4	Any 4 digits	Last 4 digits in exact order	\$5,000	1 : 10,000	X - 1 - 2 - 3 - 4
Front 3	Any 3 digits	First 3 digits in exact order	\$500	1 : 1,000	1 - 2 - 3 - X - X
Back 3	Any 3 digits	Last 3 digits in exact order	\$500	1 : 1,000	X - X - 1 - 2 - 3
Front Pair	Any 2 digits	First 2 digits in exact order	\$50	1: 100	1 - 2 - X - X - X
Back Pair	Any 2 digits	Last 2 digits in exact order	\$50	1: 100	X - X - X - 1 - 2

948.2 The DC-5 game prize schedule and probability based on a fifty cents (\$0.50) bet are as follows:

Bet Type	Selections	To Win Match	\$0.50 Bet Prize	Odds of Winning	Example
Straight	Any 5 digits	5 digits in exact order	\$25,000	1 : 100,000	1 - 2 - 3 - 4 - 5
5 Way Box	4 of one digit & 1 different digit	5 digits in any order	\$5,000	1 : 20,000	1 - 1 - 1 - 1 - 2
10 Way Box	3 of one digit & a pair of a different digit	5 digits in any order	\$2,500	1 : 10,000	1 - 1 - 1 - 2 - 2
20 Way Box	3 of one digit and 2 different distinct digits	5 digits in any order	\$1,250	1 : 5,000	1 - 1 - 1 - 2 - 3
30 Way Box	2 different pairs plus a distinct digit	5 digits in any order	\$850	1 : 3,333.3	1 - 1 - 2 - 2 - 3
60 Way Box	A pair plus 3 different distinct digits	5 digits in any order	\$425	1 : 1,666.7	1 - 1 - 2 - 3 - 4
120 Way Box	5 distinct digits	5 digits in any order	\$212.50	1: 833.3	1 - 2 - 3 - 4 - 5
Front 4	Any 4 digits	First 4 digits in exact order	\$2,500	1 : 10,000	1 - 2 - 3 - 4 - X
Back 4	Any 4 digits	Last 4 digits in exact order	\$2,500	1 : 10,000	X - 1 - 2 - 3 - 4
Front 3	Any 3 digits	First 3 digits in exact order	\$250	1 : 1,000	1 - 2 - 3 - X - X
Back 3	Any 3 digits	Last 3 digits in exact order	\$250	1 : 1,000	X - X - 1 - 2 - 3

Bet Type	Selections	To Win Match	\$0.50 Bet Prize	Odds of Winning	Example
Front Pair	Any 2 digits	First 2 digits in exact order	\$25	1: 100	1 - 2 - X - X - X
Back Pair	Any 2 digits	Last 2 digits in exact order	\$25	1: 100	X - X - X - 1 - 2

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days from the date of publication of this notice in the Register. Comments should be filed with the Executive Director, District of Columbia Lottery and Charitable Games Control Board, 2101 Martin Luther King, Jr., Avenue, S.E., Washington, D.C. 20020. Copies of these proposed rules may be obtained at the address stated above.

DISTRICT OF COLUMBIA
DEPARTMENT OF MOTOR VEHICLES

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Motor Vehicles (DMV), pursuant to the authority set forth in Section 1825 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 50-904); §§ 6 and 7(a)(1) of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121; DC Official Code §§ 50-2201.03 and 50-1401.01(a)(1)); and Mayor's Order 07-168, effective July 10, 2007, hereby gives notice of the intent to adopt the following rulemaking that will amend Chapter 13 of Title 18 of the District of Columbia Municipal Regulations (DCMR) (Vehicles and Traffic). The proposed rule would conform the district's motor vehicle regulations with recent amendments to the act and the regulations by the Department of Motor Vehicles Driver License, Special Identification Card and Vehicle Inspection Act of 2008, effective September 15, 2008 (D.C. Law 17-219, § 6011, D.C. Official Code §50-1401.01(a)(1), which in part, extended the maximum term of driver's licenses from five (5) to eight (8) years. The proposed rule would extend the commercial driver's license (CDL) period from five (5) to eight (8) years, limit the number of times an applicant can take a driver's license knowledge test to three (3) times within a one year period and assess an applicant one failed test for missing an appointment to take a commercial driver's license skills test. Final rulemaking action shall not be taken in less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

TITLE 18 DCMR, is amended as follows:

Chapter 13, CLASSIFICATION AND ISSUANCE OF COMMERCIAL DRIVER'S LICENSES
is amended as follows:

- 1) Subsection 1311.1, DURATION OF COMMERCIAL DRIVER'S LICENSE, is amended by striking the phrase "a five (5) year period" and inserting the phrase "an eight (8) year period" in its place.
- 2) Section 1315, COMMERCIAL DRIVER'S LICENSE KNOWLEDGE TEST, is amended by adding a new subsection 1315.5 to read as follows:

1315.5 An applicant may take the applicable commercial driver's license knowledge test no more than three (3) times within a twelve (12) month period.
- 3) Section 1316, COMMERCIAL DRIVER'S LICENSE SKILLS TEST, is amended by adding a new subsection 1316.6 to read as follows

1316.6 In addition to the penalty specified in subsection 103.9 of this title, if an applicant misses a CDL skills test appointment, the applicant will be assessed one failed test.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, to David Glasser, General Counsel, D.C. Department of Motor Vehicles, 95 M Street, S.W., Suite 300, Washington, D.C. 20024. Comments must be received not later than thirty (30) days after the publication of this notice in the *D.C. Register*. Copies of this proposal may be obtained, at cost, by writing to the above address.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING**GAS TARIFF 00-2, IN THE MATTER OF WASHINGTON GAS LIGHT COMPANY'S RIGHTS-OF-WAY SURCHARGE GENERAL REGULATIONS TARIFF, P.S.C.-D.C. No.****3**

1. The Public Service Commission of the District of Columbia ("Commission") pursuant to its authority under D.C. Official Code § 2-505,¹ hereby gives notice of its intent to act upon the proposed tariff of Washington Gas Light Company ("WGL")² in not less than thirty (30) days after the date of publication of this Notice of Proposed Rulemaking ("NOPR") in the *D.C. Register*.

2. The Rights-of-Way ("ROW") Surcharge contains two components, the ROW Current Factor and the ROW Reconciliation Factor. On May 15, 2009, pursuant to D.C. Official Code Section 10-1141.06,³ WGL filed a tariff application to update the ROW Reconciliation Factor.⁴ In the proposed tariff, WGL sets forth the process used to recover from its customers the D.C. ROW fees paid by WGL to the District of Columbia government. Specifically, WGL proposes to amend the following page:

GENERAL SERVICES TARIFF, P.S.C.-D.C. No. 3**Section 22****4th Revised Page 56**

3. WGL's Tariff Application shows that the ROW Current Factor is 0.0306 with the ROW Reconciliation Factor of 0.0020 for the prior period, which yields a net factor of 0.0286.⁵ WGL asserts that its proposed tariff amendment will become effective commencing with the June 2009 billing cycle.⁶ The Commission does not intend to prevent WGL from implementing

¹ D.C. Official Code § 2-505 (2001 Ed.).

² *GT00-2, In the Matter of Washington Gas Light Company's Rights-of Way Surcharge General Regulations Tariff, P.S.C.-D.C. No. 3*, ("GT00-2") Rights-of -Way Reconciliation Factor Surcharge Filing of Washington Gas Light Company, ("Tariff Application"), filed May 15, 2009.

³ D.C. Official Code § 10-1141.06 (2008 Repl.) stating that "Each public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement."

⁴ *GT00-2*, Tariff Application at 1.

⁵ *GT00-2*, Tariff Application at 2.

⁶ *GT00-2*, Tariff Application at 2.

its filed surcharges. However, if the Commission discovers any inaccuracies, WGL may be subject to reconciliation of the surcharges.

4. The proposed tariff amendment may be reviewed at the Office of the Commission Secretary, 1333 H Street, N.W., Second Floor, West Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday as well as on the Commission's website at www.dcpssc.org. Copies of the tariff are available upon request, at a per-page reproduction cost.

5. All persons interested in commenting on the proposed tariff must submit written comments to Dorothy Wideman, Commission Secretary, at 1333 H Street, N.W., Second Floor, West Tower, Washington, D.C. 20005. Comments must be received no later than thirty (30) days after the date of publication of this NOPR in the *D.C. Register*. Persons who wish to file reply comments may do so no later than forty-five (45) days after the date of publication of this NOPR in the *D.C. Register*. Once the comment and reply comment periods have expired, the Commission will take final rulemaking action.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING**

Z.C. Case No. 08-29

(Text Amendment – 11 DCMR)

**Text Amendment to Create an Additional Exception to the Residential Requirement of the
Uptown Arts Overlay/Commercial Residential (Arts/CR) Zone**

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01), hereby gives notice of its intent to amend § 1902.3 of the Zoning Regulations (Title 11 DCMR).

The proposed text amendment would exempt the buildings from the 2.5 FAR minimum residential requirement within the Arts/CR District that: (1) contribute to the historic district or are designated a landmark; (2) have at least 0.5 FAR occupied by or reserved for one of the uses set forth in 1908.1 (except 1908.1(m) and (u)); and (3) at least 0.25 FAR occupied or reserved has a minimum floor-to-ceiling clear height of at least 20 feet.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The following rulemaking action is proposed (new text is shown bolded and underlined, deleted text is shown in strike-through):

Chapter 19, Uptown Arts-Mixed Use Overlay (ARTS) District, § 1902, Height and Bulk, § 1902.3, is amended as follows:

1902.3 In the underlying CR District, development of a lot or lots in a combined lot development pursuant to § 1905 shall provide not less than 2.5 floor area ratio (FAR) of residential or hotel development subject to the spacing requirement of § 1901.2, concurrent with any commercial development on the lot or combined lots; provided:

(a) This requirement shall not apply to:

(1) A ~~a~~ lot or a combined lot having less than seven thousand five hundred square feet (7,500 ft.²) of land area ~~or to~~;

(2) A conversion of a building constructed before 1958 to nonresidential uses;
or

(3) A building that contributes to a historic district or is designated a landmark, and that has at least 0.5 FAR occupied by or reserved for one or more of the uses set forth in § 1908.1, other than 1908.1(m) and 1908.1(u), and at least 0.25 FAR of the space so occupied or reserved has a minimum floor-to-ceiling clear height of twenty (20) feet; and

(b) In developments in which residential development is required by this subsection, a certificate of occupancy for commercial or nonresidential uses shall not be issued prior to the issuance of a certificate of occupancy for a residential or hotel component.

**Z.C. NOTICE OF PROPOSED RULEMAKING
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All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.